

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H



*Safe and Healthy Lives in Safe and Healthy Communities*

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS,  
DEPARTMENT OF HEALTH,  
BOARD OF MEDICAL LICENSURE  
AND DISCIPLINE

No. C98-066

In the matter of:  
E. Brien Dugas, M.D.

CONSENT ORDER

The Respondent came to the attention of the Board of Medical Licensure and Discipline through a notification sent to the Board by an area hospital which had suspended the Respondent's clinical privileges.

Findings of Fact

1. Subsequent to the suspension, the Board learned that the Respondent had sought and received care through the Physician's Health Committee of the Rhode Island Medical Society.

2. The Board later received information from various sources regarding the quality of care rendered to certain patients.

3. The Respondent also confirmed that he had ordered controlled substances from wholesale distributors and, in

violation of the Controlled Substances Act, had self-administered them without keeping required records.

4. The Board received expert review regarding certain quality of care issues. The reviewer expressed concern about the Respondent's organizational skills, inappropriate references to other physicians in his notes, professional judgment in his decision to perform a colonoscopy on an 88 78 20 year old male with a history of coronary artery disease and an excessively long procedure done on a terminally ill female patient.

5. The Respondent, through his treatment providers, now indicates that he was suffering from undiagnosed and uncontrolled bi-polar disease. His disease, according to providers, is now under control.

#### Conclusions of Law

The Respondent has violated Rhode Island General Laws 5-37-5.1(19)(26) for failing to conform to the minimum standards of acceptable practice of medicine and violating state and federal laws relating to controlled substances.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license number, MD07261.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential

bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing.

(6) Acceptance of this Consent Order constitutes an acknowledgement by the Respondent of the Investigative Findings set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) The Respondent will undergo a clinical competency evaluation from East Carolina University School of Medicine and a ProBe professional ethics course. Further, Respondent shall undergo an evaluation from a Board appointed evaluator in order to determine whether the Respondent is fit to practice medicine.

(10) While the Respondent undergoes clinical competency evaluation from the East Carolina University School of

Medicine and the evaluation" from the Board appointed evaluator, he shall practice medicine under the supervision of the following physician: Peter M. Small, M.D. or another physician approved by the Board. Prior to performing any endoscopic procedure, the Respondent shall meet personally with the supervisory physician, at which time the chart of the patient shall be reviewed as to the medical necessity for the scheduled procedure. Subsequent to any endoscopic procedure performed by the Respondent, the supervisory physician shall review the Report of Operation. The supervisory physician shall be personally and professionally responsible for immediately reporting to the Board of Medical Licensure and Discipline any indications of unprofessional conduct by the Respondent, including but not limited to the following areas:

- a. professional judgment in recommending a procedure;
- b. technical proficiency, skill, timeliness and efficiency in performing a procedure;
- c. the manner and mode of the Respondent's interaction with patients and hospital staff, including appropriate record documentation; and
- d. knowledge and use of preoperative and intraoperative medications.


(11) The Board shall approve the Respondent's return to the unsupervised practice of medicine if the clinical competency evaluation from the East Carolina University School of Medicine and the Board appointed evaluation support lifting

this restriction. The Respondent shall enter a three-year contract with the Physician's Health Committee at the Rhode Island Medical Society during which time he shall remain on probation. Further, the Respondent agrees to provide urine or blood samples to a clinical laboratory to rule out the presence of alcohol or other illegal substances or medications not prescribed by his physician. Such screens will be provided within twelve hours of a request by the Board. These screens will be in addition to those required by the Physician's Health Committee. Any failure to provide the screen will be judged to be a positive screen and will subject the Respondent to immediate discipline.

(12) If within thirty (30) days after receiving the reports of the clinical competency evaluation from the East Carolina University School of Medicine and the evaluation from the Board appointed evaluator, the Board has not issued written approval for the Respondent to resume the unsupervised practice of medicine, the Respondent shall be entitled to a hearing pursuant to Title 5, Chapter 37 of the Rhode Island General Laws.

(13) There shall be an administrative fee of \$250.00 due within 90 days of the acceptance of this agreement.

Signed this 8th day of Feb. 1999.

  
E. Brien Dugas, M.D.

Ratified by the Board of Medical Licensure and Discipline at  
a meeting held on February 10, 1999.

Patricia L. Nolan, MD, MPH  
Patricia Nolan, MD, MPH  
Chairperson  
Board of Medical Licensure and  
Discipline